

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JULIAN De La CRUZ,

Petitioner,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOCKET #
DATE FILED 6/26/08

08 Civ. 4548 (BSJ) (DFE)

-against-

ORDER

WILLIAM D. BROWN, Superintendent,
Respondent.
-----x

DOUGLAS F. EATON, United States Magistrate Judge.

The habeas corpus petition of Julian De La Cruz has been referred to me by U.S. District Judge Barbara S. Jones, and it appears, pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts, that the respondent should file an Answer. It is hereby ORDERED as follows:

1. The Clerk of the Court shall forthwith serve (by regular mail) a copy of this Order and of the underlying Petition [8 pages] upon the Attorney General of the State of New York and the District Attorney for New York County. The Clerk shall also mail a copy of this Order to petitioner.

2. Respondent shall serve and file an Answer or motion by September 26, 2008.

3. With the answer, the respondent shall also file (but need not serve), the State court record, including, but not limited to: the trial transcript, sentencing minutes, appellate briefs, appellate decisions, and post-trial motions and decisions. Respondent should file the originals of all papers, including the State court record, with the Clerk of the Court, not with my Chambers, but deliver a courtesy copy of any affidavits and/or memoranda to my Chambers. Be sure to write our Court's civil docket number on each volume of the state court record.

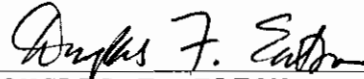
4. Within fourteen (14) days from the date on which the respondent mails petitioner the Answer, petitioner shall serve and file a letter to me stating the date when petitioner received the respondent's answer or motion.

5. Within thirty (30) days from the date on which the respondent mails the answer or motion, petitioner shall serve and

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DATE SCANNED 6/26/08 *HE*

file (with a courtesy copy to me) either a reply (sometimes known as a traverse) or a letter to me stating that he chooses not to file any reply or traverse.

6. If Mr. De La Cruz has any change in his mailing address, he must, within 5 business days, send written notice to me and the attorney for respondent.



DOUGLAS F. EATON
United States Magistrate Judge
Room 1360, U.S. Courthouse
500 Pearl Street
New York, NY 10007
Telephone: (212) 805-6175

Dated: New York, New York
June 26, 2008

Copies of this Order were mailed to:

Mr. Julian De La Cruz
03-A-4819
Eastern Correctional Facility
P. O. Box 338
Napanoch, NY 12458

Appeals Bureau
Attorney General, State of New York
120 Broadway
New York, NY 10271

Appeals Bureau
District Attorney, New York County
One Hogan Place
New York, NY 10013 or

Hon. Barbara S. Jones